

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

UNITED STATES OF AMERICA

v.

No. 5:25-MJ-57-BV

JOSE PENA-GARCIA

MOTION FOR PRETRIAL DETENTION

The United States asks for the pretrial detention of Defendant under Title 18,
United States Code, Sections 3142(e) and 3142(f).

1. **Eligibility of Case.** This case is eligible for a detention order under 18 U.S.C. § 3142(f) because it is a case that involves:

- _____ A crime of violence as defined in 18 U.S.C. § 3156(a)(4), violation of section 1591, or federal crime of terrorism for which the maximum sentence is 10 years or more. (18 U.S.C. § 3142(f)(1)(A)).
- _____ An offense for which the maximum sentence is life imprisonment or death. (18 U.S.C. § 3142(f)(1)(B)).
- _____ A Controlled Substances Act offense for which the maximum sentence is 10 years or more. (18 U.S.C. § 3142(f)(1)(C)).
- _____ A felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses. (18 U.S.C. § 3142(f)(1)(D)).
- _____ A felony that involves a minor victim or failure to register as a sex offender. (18 U.S.C. § 3142(f)(1)(E)).
- _____ A felony that involves the possession or use of a firearm, destructive device, or any other dangerous weapon. (18 U.S.C. § 3142(f)(1)(E)).
- X A serious risk defendant will flee. (18 U.S.C. § 3142(f)(2)(A)).
- _____ A serious risk defendant will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror. (18 U.S.C. § 3142(f)(2)(B)).

2. **Reason for Detention.** The Court should detain defendant, under 18 U.S.C. § 3142(e), because no condition or combination of conditions will reasonably assure:

☒ Defendant's appearance as required.
☐ Safety of any other person and the community.

3. **Rebuttable Presumption.** The United States will invoke the rebuttable presumption against defendant under 18 U.S.C. § 3142(e). The presumption applies because there is:

☐ A Controlled Substances Act offense for which the maximum sentence is 10 years or more. (18 U.S.C. § 3142(e)(3)(A)).
☐ An offense under Title 18, United States Code, Sections 924(c), 956(a), or 2332b. (18 U.S.C. § 3142(e)(3)(B)).
☐ A federal crime of terrorism for which the maximum sentence is 10 years or more. (18 U.S.C. § 3142(e)(3)(C)).
☐ An offense in Chapter 77 of Title 18 (human trafficking) for which the maximum sentence is 20 years or more. (18 U.S.C. § 3142(e)(3)(D)).
☐ Previous conviction for "eligible" offense committed while on pretrial bond. (18 U.S.C. § 3142(e)(2)).
☐ A qualifying offense involving a minor victim. (18 U.S.C. § 3142(e)(3)(E)).

4. **Time for Detention Hearing.** The United States requests the Court conduct the detention hearing:

☐ At first appearance.
☐ After continuance of three days.
☒ Moot at this time, as an immigration detainer is in place against defendant. Hearing requested if detention becomes a viable issue.

Respectfully submitted,

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